

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31875 of 2022

Arising Out of PS. Case No.-51 Year-2022 Thana- FORBESGANJ District- Araria

Rajesh Sah Son Of Rameshwar Sah R/O Village- Palasi, Ward No.-02, P.S.-
Narpatganj, District- Araria, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Ms. Preety Kunwar, Advocate Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, A.P.P.
For the Informant	:	Mr. Kumesh Kumar Rana, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-03-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for the petitioner and Mr. Mukesh Kumar Rana, learned counsel appearing on behalf of the Informant and Mr. Arun Kumar Singh, learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 354(A), 354(D), 506, 420, 34 of the Indian Penal Code and Section 67 of Information Technology Act and later on added Section 376, 499, 500 of the Indian Penal Code.

According to prosecution case, as per F.I.R. the



informant stating therein that one unknown person for having cheated and sexually exploited by the petitioner by giving inducement to solemnize marriage and subsequently denied to solemnize marriage and further started harassment to the informant for making her photographs viral on Internet and started giving threat to informant and her father on their mobile and also posted obscene and nude videos and photographs of informant on Social Media.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the date of occurrence as alleged in the F.I.R. is 26.11.2021 but the present F.I.R. has been instituted on 14.01.2022. He further submits that there is contradiction between the statement of the victim who is informant of this case which was recorded under Section 161 of Cr.P.C. and 164 of Cr.P.C.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor for the State have vehemently opposed the prayer for bail of the petitioner on the basis of material available on the record and case diary submits that the statement of the victim girl which



was recorded under Section 161 of Cr.P.C. and 164 of Cr.P.C. in which she has categorically stated that the petitioner has raped upon her and the medical report was conducted after two months delay.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Forbesganj P.S. Case No. 51 of 2022 pending in the court of learned Chief Judicial Magistrate, Araria.

Prayer is refused.

(Rajesh Kumar Verma, J)

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